THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE P.SWAROOP REDDY

TAKEN UP WRIT PETITION NO.1839 OF 2005

Dated: 11.07.2006

Anonymous letter along with a paper clipping of Vaartha Telugu Daily Newspaper, dated 22.01.2005, under the caption "Despite Appeal, Crying, the doors are not opened"

…Petitioner

The Secretary, Sangam Laxmi Bai Vidya Peetam, Saidabad, Hyderabad and three others.

…Respondents

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ORAL ORDER: (per the Hon'ble Sri Justice D.S.R.Varma)

Heard the learned counsel appearing for the respondents.

2. This writ petition is taken up on the basis of an anonymous letter, sent to this Court, along with a paper clipping of news item, dated 22.01.205, under the caption "Despite Appeal, Crying, the doors are not opened" published in "Vaartha" Telugu Daily Newspaper informing the general public that the hostel/orphanage run by one Sangam Laxmi Bai Vidya Peetam, Hyderabad, (for short 'Vidya Peetam')-the first respondent was closed. In a nutshell, the essence of the said news item was that despite a severe protest by four inmates of the said hostel/orphanage, the same was closed.

3. During the course of hearing, Sri S.Niranjan Reddy, learned counsel appearing for Vidya Peetam-the first respondent, contended that Vidya Peetam was originally constituted as a

society and was registered under the Hyderabad Public Societies Registration Act, 1350 Fasli (for short 'Registration Act'). Having been formed, several philanthropic activities were taken up by it and running of the hostel/orphanage was one among them. In the recent past, it appears that the four inmates of the hostel/orphanage, who protested for some time against the so-called contemplation of alleged closure of the hostel/orphanage, have, later on, joined other similar institutions. There ended the matter. This was the genesis for the news item published in the newspaper.

4. The learned counsel further contended that earlier, a Division Bench of this Court by its judgment, dated 13.02.2001, in Writ Appeal No.2246 of 1999 and batch, held that Vidya Peetam is only a society. However, the Writ Petition, W.P.No.20869 of 1997, filed by one Smt Radhika, was closed in the light of the undertaking given by the learned counsel appearing for Vidya Peetam that she would be inducted into Vidya Peetam as a member. Notwithstanding the said undertaking and closure of the said Writ Petition, specific findings have been recorded by the Division Bench holding that the learned Single Judge erred in holding that the properties in question were endowed properties. It was further held that mere presenting a petition to the authority under the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') to include a particular society and property in the endowments list, will not take away the nature of the property and the institution, unless a trust deed is prepared to the effect that the property has to be treated as charitable one.

5. In the background of the above findings recorded by the Division Bench, it is necessary for us to delve into the past. Originally, a society by name Indira Seva Sadan was created and was registered on 31.08.1955 under the Registration Act. Later on, Smt.Sangam Laxmi Bai, a philanthropist, having no issues and having been immensely convinced with the activities of Indira Seva Sadan, gave away all her properties to the trust after creating a trust deed on 12.03.1979. The said trust is Indira Seva Sadan Trust. Here, it is conspicuous to note that the only beneficiary of the properties held by the said trust was and is the society i.e., Vidya Peetam. This is the nexus between Indira Seva Sadan trust and Vidya Peetam.

6. Now, the question would be as to whether the said trust

can be treated as a body covered under the provisions of the Act or not?

7. As already noticed, pursuant to the directions of the Division Bench of this Court in the above said batch of Writ Appeals, an enquiry has been launched under Section-87 of the Act and the same is in progress before the second respondent. Therefore, we are of the firm view that until and unless the said enquiry is completed, there is no right on the part of any statutory authority or any individual to ask Vidya Peetam-the first respondent society to take up or continue a particular activity nor there is any obligation whatsoever on the part of the society either to take up or continue a particular activity.

8. In other words, Vidya Peetam-the first respondent is governed by its own decisions and is not subjugated to any authority, unless and until its status is decided by the competent authority under the Act.

9. In that view of the matter, more particularly, having regard to the circumstances stated by the learned counsel appearing for Vidya Peetam-the first respondent that the four agitating inmates of the hostel/orphanage have already left the hostel/orphanage after it was closed and joined other similar institutions, this Court has no jurisdiction to pass any orders against Vidya Peetam-the first respondent in this writ petition.

10. For the foregoing reasons, we do not find any merit in the writ petition and the same is liable to be closed.

11. Accordingly, the writ petition is closed, at the stage of admission.

12. It shall not be understood that this Court has expressed any independent views on this issue and suffice it to reiterate that the entire issue is subject to the enquiry under Section-87 of the Act, which is in progress.

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JUSTICE

D.S.R.VARMA

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JUSTICE P.SWAROOP

REDDY

11TH JULY 2006

DR